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SUBJECT: Kerala Field Investigations Yield Low Fraud, but Good Karma

¶1. Summary. While Post frequently reports on H-1B fraud trends in Hyderabad and Bangalore, the state of Kerala, on India's southwest coast, deserves attention as the primary source of immigrant visa applicants in South India. On a recent field investigation trip throughout the state, an FPU team traveled to many small towns and villages for investigations, performed consular oversight and outreach at banks and travel agencies, and visited an orphanage that is one of Post's primary sources of adoption cases from Kerala. While the fraud rate in Kerala is generally low, Post confirmed fraud on 50 percent of the investigations this trip. End Summary.

Friendly Reception for Fraud Investigators

¶2. An FPU team consisting of a Conoff and Immigrant Visa (IV) Assistant traveled in Kerala from September 21-25 to conduct immigrant visa fraud field investigations. The trip also included visits to VFS Global and HDFC Bank offices in Cochin that officially assist with the visa process; local tourist agencies that unofficially assist visa applicants; and an orphanage that is active in adoptions. All visits were made to combat fraud and promote awareness of immigration law and procedures.

¶3. Beginning in Trivandrum and finishing in Cochin, the trip included six IV investigations and took Conoff and Visa Assistant through sections of rural Kerala, as well as the cities of Kollam and Kottayam. The team visited private homes, marriage halls, and churches to check the legitimacy of relationships and marriage dates or status. Immigrant visa applicants from Kerala are predominantly Christian, and churches have been quite helpful in resolving cases of possible visa fraud. Most priests will either provide Post with written confirmation of the veracity of a marriage or will make marriage records available for inspection.

¶4. The FPU team visited the homes of several visa applicants. Of the six investigations, one was a K3 case and the other five were all either F2A and F2B cases. Post sees a particularly high rate of fraud in F2B or related cases. As the F2B category is for the unmarried son or daughter of a legal permanent resident, many visa applicants hide marriages in order to qualify for the visa. After they enter the United States, they then petition for spouses and children under the F2A category. In other cases, F2B applicants marry during the IV waiting period and do not inform Post of their change of marital status.

¶5. While fraud investigation was the purpose of the visits, the team was struck by the general hospitality and warmth they received throughout the trip. Neighbors, in all cases, were happy to oblige the Conoff with exhaustive observations and personal details regarding IV beneficiaries. In several instances, neighbors welcomed the Conoff and Visa assistant into their homes in order to

answer questions or wait while someone called or physically found the individuals Conoff wished to meet.

Meeting with Official and Unofficial Visa Facilitators

¶6. Many visa applicants in India use the services of tourist agencies not only for travel planning, but also for visa application preparation. This is especially true among elderly IV applicants from Kerala. Many couples have daughters who entered the United States on IVs as nurses and are now U.S. citizens. Many of these people do not speak or write English and go to a travel agency for help with visa forms. Travisa is one of the agencies used most frequently by many of the applicants in Kerala. Post has had issues, on occasion, with Travisa representatives not completing the forms completely or correctly, leading to misunderstandings or longer pre-screening times for applicants at their interviews. The FPU team visited two of the newer Travisa centers in Kerala to discuss proper procedures and the importance of full disclosure of information by applicants. The staff at both centers were amenable to the discussions and seemed happy to take any criticism or recommendations into account, and the FPU team did not observe any malfeasance on the part of the travel agency.

¶7. Another tool in the anti-fraud arsenal is close oversight of partners in the visa application process. The FPU team visited both VFS, the visa appointment company used at Post; and HDFC Bank, which handles all final visa fee demand draft transactions. During both visits, Conoff was able to address questions or take back issues to Post that were of interest or concern to VFS and HDFC. Balancing customer service with proper procedures was very important to both

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organizations. The offices welcomed the Conoff and impressed her with their professionalism and efficiency. For example, HDFC was willing to meet despite a bank strike on the day of the visit.

Orphanage Visit and Hague Information Exchange

¶8. Given some past issues related to questionable adoptions, Post is cognizant of the need for close scrutiny and oversight of the organizations handling adoptions to the United States. Adoption rules in India are quite strict in terms of who may legally adopt a child in the country. Normally only Hindu couples may complete an adoption in India, while non-Hindus may take court ordered custody of a child, but must complete the adoption abroad. In other cases, children are not truly orphans, but are rather turned over by their parents to other family members or orphanages because they are unable to care for them. While the parents may surrender their rights on paper, they are still very much in contact with the children.

¶9. On September 23, Conoff and IV Assistant visited Sishu Kshema Bhavan, an orphanage located in Parathode, Kerala. They were greeted by several staff members and spent almost an hour touring the facility and speaking with Ms. Daisy, one of the administrators. As this orphanage handles many children bound for international adoption, the visit's primary aim was to gain some familiarity with the facility, but also to inform the administration of the new Hague Convention procedures for processing adoptions.

¶10. At the time of the visit, there were 33 children and a staff of 43 on site. Ms. Daisy explained that the normal child to caregiver ratio is 4:1 and that a majority of the children were under 2 years old. Two children at the facility were over the age of 9. Daisy stated most of the children had been turned over to Sishu Kshema Bhavan by unwed mothers and that the facility also offers support services for these young women and their families. A few children, mainly those with health problems, were from other agencies. Daisy mentioned that close to 70 percent of the adoptions are local and are completed within six months to one year. A small percentage of the adoptions are to international couples, mainly in the Gulf states, the UK, or the US. All international adoptions are handled

through agencies.

¶11. Ms. Daisy explained that Sishu Kshema Bhavan maintains its funding through the adoption agencies in the form of donations and fees. U.S. adoption agencies donate funds and adoptive parents pay a maximum fee of \$3,500 for the adoption. This fee covers medical screenings, the visa process and passport for the adopted child. The families are free to donate additional funds through the adoption agency or a church trust.

¶12. The facilities at the orphanage are set in a wooded area well away from the local road. The buildings sit on well maintained grounds, which include outdoor play equipment for the children. The facility has sleeping and playrooms for several different age groups, as well as medical and nursery facilities. There are staff quarters on site as well.

¶13. The children observed by Conoff were cleanly dressed and appeared well fed. Ms. Daisy stated a doctor visits the facility two or three times a week to check on the children. She made a file available for Conoff's review and it included daily tracked information on medical checkups, feeding and play schedules for the children. She said that files are kept for each child until the age of 18. She also showed Conoff a number of photos of former residents sent to the facility by adoptive parents over the years.

¶14. Conoff and the Visa Assistant were able to observe several playgroups of different ages. All of the children appeared healthy, happy, and active. Ms. Daisy stressed the facility's belief in keeping the children's minds engaged. For example, the older children have a designated play time each day. Different types of toys or activities are rotated every few days so the children do not get bored and restless. Conoff observed a storage room with a wide selection of toys for the children's use. The variety of activities challenges them and teaches a spectrum of motor and cognitive skills in the staff's opinion. The staff members were actively involved with the children through play, song, and care-giving during the Conoff's visit.

Conclusion

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¶15. Though Post's investigations found fraud in three of six cases, on the whole, fraud in Kerala is low when compared to other areas of South India. It still exists, though, and requires on-the-ground investigation. This work is facilitated by good cooperation by local officials and residents in our efforts to combat fraud.

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